



NEWS RELEASE

JUDICIAL COUNCIL OF CALIFORNIA ADMINISTRATIVE OFFICE OF THE COURTS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF AUGUST 9, 1999

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#99-116 People v. Ansell, S079744. (C029877; 71 Cal.App.4th 1285.)

Petition for review after the Court of Appeal affirmed an order denying a petition for certificate of rehabilitation. This case concerns whether it violates constitutional protections against ex post facto legislation to apply newly adopted prohibitions on the issuance of certificates of rehabilitation to individuals whose crimes predate the amendments. (See Pen. Code, § 4852.01; Stats, 1997, ch. 61, § 2.)

#99-117 People v. Bolden, S079196. (B118740; 71 Cal.App.4th 730.

Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case includes an issue concerning whether a Court of Appeal may decline to consider a claim that the trial court failed to impose a mandatory fine when the People have not first sought correction in the trial court. This is related to an issue before the court in People v. Tillman, S077360. (See #99-57.)

(over)

#99-118 Callahan v. Mutual Life Ins. Co., S079363. (B114948; 71 Cal.App.4th 1089.) Petition for review after the Court of Appeal affirmed a summary judgment in a civil action. This case presents an issue concerning whether the incontestability clause of a disability policy precluded an insurer from denying a claim based on AIDS where the insured had tested positive for HIV before applying for the policy but did not suffer disabling symptoms until several years after the policy was issued. This is related to the issue before the court in Galanty v. Paul Revere Life Ins. Co., S073678. (See #98-154.)

#99-119 People v. Carpio, S079966. (H018203.) Unpublished opinion. Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents an issue, concerning the circumstances under which a non-citizen defendant may obtain vacation of a conviction based upon guilty plea following purported non-compliance with Penal Code section 1016.5, which is related to an issue before the court in People v. Superior Court (Zamudio), S073031. (See #98-158.)

#99-120 Curle v. Superior Court, S080322. (C031822; 72 Cal.App.4th 543; 73 Cal.App.4th 41i.) Petition for review after the Court of Appeal grant a petition for peremptory writ of mandate. This case concerns whether a superior court judge has standing to seek writ review of an order that disqualifies the judge for cause. (See Code Civ. Proc., § 170.3(d).)

#99-121 People v. Moore, S079326. (B113676.) Unpublished opinion. Petition for review after the Court of Appeal remanded for resentencing but otherwise affirmed a judgment of conviction of criminal offenses. This case includes an issue, concerning whether a defendant's stipulation to the fact of a prior conviction that is an element of a crime may only be made after Boykin/Tahl advice and waivers, which is related to an issue before the court in People v. Newman, S072560. (See #98-142.)

#99-122 PLCM Group, Inc. v. Drexler, S080201. (B110667; 72 Cal.App.4th 693.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case concerns whether a corporation that has been represented by salaried, in-house counsel may recover attorney fees under Civil Code section 1717 and, if so, how such fees are calculated.

#99-123 Steiny & Co. v. Citicorp Real Estate, Inc., S080176. (A075133; 72 Cal.App.4th 199, mod. 73 Cal.App.4th 41g.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court limited review to the issues 1) whether a bonded stop notice reaches only the funds then existing in the construction loan account and not the amounts previously removed from the account by the lender, pursuant to contract, for the payment of points and interest to itself and 2) whether the fairness of a business practice alleged to violate Business and Professions Code section 17200 is determined as of the date of the alleged violation even though under subsequent authority the conduct would not violate that section.

#99-124 People v. Torres, S079575. (C028359.) Unpublished opinion. Petition for review after the Court of Appeal reversed an order committing as a sexually violent predator. This case concerns whether commitment under the Sexually Violent Predator Act requires that the predicate offenses be “predatory.” (Welf. & Insts. Code, § 6600 et seq.)

#99-125 People v. Willis, S079245. (F026866; 71 Cal.App.4th 530.) Petitions for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the issues 1) whether the good faith exception set forth in United States v. Leon (1984) 468 U.S. 897 prevents exclusion of evidence obtained during a parole search based on erroneous

information supplied to police that appellant was on parole and 2) whether, if Leon does not apply, the police could “freeze” the status while determining appellant’s parole status as a result of which information supplying probable cause to search came to light.

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